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Embassy Nightclub*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MERCEDES TERRELL,

Plaintiff,

v.

D. PROCYON, LLC,

Defendants.

Case No. 2:21-cv-00725-APG-VCF

**STIPULATION AND ORDER TO SET
ASIDE DEFAULT ENTERED AGAINST D.
PROCYON, LLC**

Defendant D. Procyon, LLC, by and through its counsel of record Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, and Plaintiff Mercedes Terrell, by and through her counsel of record, Alverson Taylor & Sanders, Attorneys at Law, hereby stipulate and agree to set aside the default entered by this Court's clerk on August 18, 2021 (ECF No. 9). Under Fed. R. Civ. P. 55(c), a court may set aside a default for good cause. Here, good cause exists.

Since service of summons and complaint, Defendant, as an entity who could not represent itself in this case, attempted to retain an attorney to respond to the complaint. This involved a lengthy but ultimately unsuccessful process to have Defendant's carrier provide legal representation. Defendant eventually retained private counsel, which occurred after the default had been entered.

Once private counsel became involved in this case, the parties begun settlement negotiations, which continues to this date. Setting aside the default is a part of the ongoing settlement negotiations. All of this shows that Defendant has made diligent effort to participate in this case and attempt to move the case to resolution expeditiously. This Court should therefore find good cause and set aside the default against Defendant.

IT IS SO STIPULATED.

Dated: November 9, 2021

Dated: November 10, 2021

ALVERSON TAYLOR & SANDERS

WILSON ELSEER MOSKOWITZ EDELMAN
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/s/ David M. Sexton

/s/ I-Che Lai

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ORDER

Based upon the stipulation of the parties and good cause appearing, the default entered against Defendant (ECF No. 9) is set aside. Defendant has 20 days from the date of the entry of this order to file an answer to Plaintiff's complaint.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: 11/10/2021